

REMARKS

Status of the Claims

Claims 16, 18, 31, 34, 36, 38, 40-42 and 45-47 are currently pending in the application. Claims 16, 18, 31, 34, 36, 38, 39 and 43-45 stand rejected. Claims 16 and 40-42 are allowed. Claims 18, 31 and 36 have been amended. Claims 39, 43 and 44 have been cancelled. All amendments and cancellations are made without prejudice or disclaimer. New claims 46 and 47 have been added. No new matter has been added by way of the present amendments. Specifically, the amendments to claims 18, 31 and 36 were to remove various compounds from the claims. New claims 46 and 47 are supported by the specification at, for instance, page 14, lines 14-20, and page 19, line 17 to page 20, line 15, and Example 16, at pages 59-62. Reconsideration is respectfully requested.

Interview

Applicants and Applicants' representatives thank the Examiner for extending the courtesy of an interview on or about January 16, 2008. Briefly, during the interview, all issues barring allowance of the present claims were discussed. Particularly, a set of claim amendments proposed by Applicants were reviewed by the Examiner and discussed. The Examiner indicated agreement that if the proposed amendments to the claims were submitted, they would most likely address all of the prior art-based rejections. Therefore, by way of the present Amendment, Applicants submit the proposed claim amendments for entry into the record and consideration by the Examiner. Reconsideration and allowance thereof are respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 39, 43 and 44 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (*See*, Office Action of November 2, 2007, at pages 3-7). Claims 39, 43 and 44 have been cancelled herein without prejudice or disclaimer, thereby obviating the enablement rejections.

Rejections Under 35 U.S.C. § 103(a)

Claims 18 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Demeke et al., *Biotechniques*, 12:332 and 334, 1992 (hereinafter, "Demeke et al.") in view of Barnes, U.S. Patent No. 5,436,149 (hereinafter, "Barnes"). (*See*, Office Action, at page 7).

Claims 18 and 45 remain rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Tasa et al., *Meth. Mol. Cell. Biol.*, 5:122-124, 1995 (hereinafter, "Tasa et al.") in view of Barnes. (*See*, Office Action, at page 8).

Claims 31 and 34 remain rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Al-Soud et al., *Applied Env. Microbiol.*, 64:3748-3753, 1998 (hereinafter, "Al-Soud et al.") as evidenced by Wikipedia entry for Heparin Sulfate dated April 21, 2007 and Stratagene Catalog, page 39, 1988. (*See*, Office Action, at pages 8-9).

Claims 36 and 38 remain rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Demeke et al. and Barnes et al. and Stratagene Catalog. (*See*, Office Action, at pages 9-11).

Claims 36 and 38 remain rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Tasa et al. and Barnes et al. and Strategene Catalog. (*See*, Office Action, at pages 13-14). Applicants traverse the rejection as hereinafter set forth.

The Examiner states that the combined disclosures of the cited references make obvious the presently claimed invention since the references disclose carrageenan, pectin, dextran sulfate and heparin as acidic substances.

Although Applicants do not agree that the claims are obvious in light of the combined disclosures of the cited references, to expedite prosecution, claims 18, 31 and 36 have been amended to remove reference to carrageenan, pectin, dextran sulfate and heparin.

During the Interview of January 16, 2008, the Examiner indicated that such an amendment would obviate all prior art-based rejections of record.

Therefore, reconsideration and withdrawal of the obviousness rejection of claims 18, 31, 34, 36, 38 and 45 are respectfully requested.

ENTRY OF AMENDMENTS

The amendments to the claims, and new claims, should be entered by the Examiner because the amendments and new claims are supported by the as-filed specification and do not add any new matter to the application. Additionally, the amendments should be entered since they comply with requirements as to form, and place the application in condition for allowance, as indicated by the Examiner during the Interview of January 16, 2008. Furthermore, an equal or greater number of claims have been cancelled from the present application as compared to the number of new claims entered. Additionally, the amendments do not raise new issues or require

a further search since the amendments incorporate elements from dependent claims into independent claims and/or are supported by the as-filed specification. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested since they certainly remove issues for appeal.

CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: February 6, 2008

Respectfully submitted,



By
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants